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SUBJECT: ROMANIA--2009 TIP REPORT: PRESS GUIDANCE AND  
DEMARCHÉ

REF: A. 2009 STATE 59732  
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarché language to be used in informing the Government of ROMANIA of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of ROMANIA and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at [www.state.gov/g/tip](http://www.state.gov/g/tip) shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of ROMANIA of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing the framework in which the government's performance will be

judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

17. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

18. Begin Final Text of ROMANIA's country narrative in the 2009 TIP Report:

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ROMANIA (TIER 2)  
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Romania is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Romanian men, women, and children are trafficked to Spain, Italy, Greece, the Czech Republic, and Germany for commercial sexual exploitation, forced begging, and forced labor in the agriculture, construction, and service sectors. Men and women from Romania are trafficked to Cyprus, the Netherlands, Slovakia, Poland, Portugal, Belgium, and Turkey, Sweden, Hungary, and Denmark for the purposes of commercial sexual exploitation and forced labor. Romanian men, women, and children are trafficked within the country for commercial sexual exploitation and forced labor including forced begging and petty theft. In 2008, sixty-nine percent of victims identified were trafficked for forced labor. Romania is a destination country for a small number of women from Moldova, Colombia, and France trafficked into forced prostitution and a small number of men from the Democratic Republic of the Congo and Honduras trafficked for forced labor.

The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. In 2008, the government significantly increased its funding of NGOs providing victim assistance, made notable improvements in victim referrals by law enforcement, and continued efforts to raise awareness of both sex and labor trafficking. The government also demonstrated strong cooperation with foreign law enforcement counterparts, resulting in the disruption of several high-profile trafficking rings. However, the number of victims who received government-funded assistance significantly decreased in 2008. Although 69 percent of identified victims were trafficked for the purpose of labor exploitation, the government was again unable to report significant efforts to address labor trafficking. The Government of Romania announced plans in March 2009 to reorganize the government's lead anti-trafficking agency -- the National Agency against Trafficking in Persons (NAATIP). Experts expressed concern that the proposed reorganization could reduce the authority and independence of NAATIP, and could negatively affect government cooperation with NGOs, and victim treatment, assistance, and protection.

Recommendations for Romania: Take concerted steps to investigate and punish acts of labor trafficking; increase the number of victims provided access to government-funded assistance; and provide victim sensitivity training for judges.

Prosecution  
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Romania sustained its law enforcement efforts over the reporting period. Romania prohibits all forms of trafficking in persons through Law no. 678/2001, which prescribes penalties of 3 to 15 years' imprisonment. These penalties are sufficiently stringent and commensurate with penalties prescribed for other grave crimes, such as rape. In 2008, authorities investigated 494 new cases, up from 232 new cases

in 2007. The government prosecuted 329 individuals for trafficking in 2008, compared to 398 individuals prosecuted in 2007. During the reporting period, Romania convicted 125 trafficking offenders, down from 188 individuals convicted in 2007. During the reporting period, 106 of the 125 convicted traffickers served some time in prison; 19 traffickers were given suspended sentences and served no time in prison. In 2008, forty-eight traffickers were sentenced to one to five years' imprisonment, 56 traffickers were sentenced to five to 10 years' imprisonment, and two traffickers were sentenced to more than 10 years' imprisonment. There were no reports that government officials were involved in trafficking during the reporting period.

#### Protection

Romania demonstrated adequate efforts to protect and assist victims of trafficking during the reporting period. In 2008, the government provided \$270,000 in support to four NGOs to provide assistance to victims of trafficking compared to \$72,000 in 2007. Three hundred-six victims were provided with government-funded assistance, down from 669 victims assisted by the government in 2007. An additional 234 victims were assisted by non-government funded programs. In 2008, the government identified 1,240 victims, compared to 1,662 victims identified in 2007. In 2008, there were at least 649 identified victims of forced labor and at least 287 identified victims of sexual exploitation. The government operated nine shelters for victims of trafficking, though their quality varied and most victims preferred to go to NGO-operated shelters. Victims were encouraged to participate in trafficking investigations and prosecutions; 1,053 victims assisted such law enforcement efforts in 2008. Foreign victims receive a 90-day reflection period to decide whether they would like to cooperate in a criminal proceeding. Law enforcement proactively identified and referred 540 victims of trafficking for assistance. While the rights of victims were generally respected and victims were not punished for acts committed as a result of being trafficked, some judges were disrespectful toward female victims of sex trafficking which discouraged victims from participating in trafficking cases.

#### Prevention

Romania continued its efforts to raise awareness and prevent human trafficking during the reporting period. The government, in conjunction with NGOs, conducted two demand reduction campaigns that specifically targeted clients of the sex trade. The government also worked with counterparts in the Czech Republic and IOM to raise awareness about Romanians trafficked to the Czech Republic for forced labor. In 2008, the government provided 24 trafficking awareness training sessions for Romanian troops prior to their deployment abroad on international peacekeeping missions.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA

and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in

workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website [www.state.gov/g/tip](http://www.state.gov/g/tip).

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

11. The following is press guidance provided for Post to use with local media.

Q1: Why was Romania given a ranking of Tier 2?

A: The Government of Romania does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite this progress, the number of victims who received government-funded assistance significantly decreased in 2008 and although 69 percent of identified victims were trafficked for the purpose of labor exploitation, the government was again unable to report significant efforts to address labor trafficking. The Government of Romania announced plans in March 2009 to reorganize the government's lead anti-trafficking agency -- the National Agency against Trafficking in Persons (NAATIP). Experts expressed concern that the proposed reorganization could reduce the authority and independence of NAATIP, and could negatively affect government cooperation with NGOs, and victim treatment, assistance, and protection.

Q2: What progress has Romania made in the past year?

A: In 2008, the government significantly increased its funding of NGOs providing victim assistance, made notable improvements in victim referrals by law enforcement, and continued efforts to raise awareness of both sex and labor trafficking. The government also demonstrated strong cooperation with foreign law enforcement counterparts, resulting in the disruption of several high-profile trafficking rings.

Q3: What can Romania do to improve its fight against trafficking in persons?

A: To improve its anti-trafficking performance, the Romanian government could: take concerted steps to investigate and punish acts of labor trafficking; increase the number of victims provided access to government-funded assistance; and provide victim sensitivity training for judges.

12. The Department appreciates posts' assistance with the

preceding action requests.  
CLINTON